

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

400I0274

## HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB 22** - 01/29/2003

Introduced by: The Committee on Judiciary at the request of the Department of Social Services

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the appearance by  
2 a parent in person, by counsel, or by telephone for a hearing to voluntarily terminate parental  
3 rights.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 25-5A-14 be amended to read as follows:

6 25-5A-14. The personal presence of one parent at the hearing is required for jurisdictional  
7 purposes. However, any for good cause shown, the court may permit the parent to appear  
8 telephonically. Any other person whose consent is necessary, may appear by filing with the court  
9 a power of attorney. If the Department of Social Services or a licensed child placement agency  
10 has custody of a child by written agreement of a parent with power of attorney to consent, the  
11 secretary or an authorized agent may appear and consent. Notwithstanding the foregoing  
12 provisions of this section, due regard shall be given to the Indian Child Welfare Act (25 U.S.C.  
13 Secs. 1901-1963) as in effect on January 1, 2003, if applicable.

